

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the previous amendments and the following remarks.

As a first point, it is respectfully requested that the Examiner initial the listing of the reference EP 0113703 on Form PTO-1449 of the October 6, 2008 Information Disclosure Statement. Should the Examiner believe that this listing is not in conformance with a Patent Office rule, it is respectfully requested that an explanation be provided.

Before turning to the claims, a brief discussion of the disclosed unit for applying opening devices to packages is provided. The unit 1 includes a first conveyor 20 for feeding the packages 3 successively along a first path P1, and a second conveyor 10 carrying gripping means 26 for receiving the opening devices 2 at a pickup station 11. The gripping means 26 move cyclically between the pickup station 11 and an application station 12 interfacing with the first path P1 where the opening devices 2 are applied to respective packages 3. A trajectory of the gripping means 26 from the application station 12 to the pickup station 11 is distinct from the first path P1, as illustrated in Fig. 1. The unit also includes a third conveyor 32 carrying pressure means 33 along a second path P4. The third conveyor interfaces with the first path P1 along at least a portion of the first path P1 from the application station 12, as discussed in lines 26-28 of page 12 and as illustrated in Fig. 4. The pressure means 33 generate a contact pressure between the packages 3 and the opening devices 2 along at least the portion of the first path P1.

Claim 1 is rejected as being anticipated by U.S. Patent No. 4,817,363, hereinafter St. Clair.

Amended Claim 1 recites a unit for applying opening devices to packages of pourable food products having a rupturable portion including, *inter alia*, a first conveyor for feeding the packages successively along a first path, and a second conveyor carrying gripping means for receiving the opening devices at a pickup station. The gripping means move cyclically between the pickup station and an application station interfacing with the first path where the opening devices are applied to respective packages. A trajectory of the gripping means from the application station to the pickup station is distinct from the first path. The unit also includes a third conveyor carrying pressure means along a second path. The third conveyor interfaces with the first path along at least a portion from the application station. The pressure means generate a contact pressure between the packages and the opening devices along at least the portion of the first path.

St. Clair discloses an apparatus that applies spouts 49 onto containers 35. The apparatus includes several spindle assemblies 94 mounted to rotate with a bevel gear 93 of a placer means 32. Each spindle assembly 94 rotates from an up position where it receives a spout 49 from a transfer arm assembly 80 to a lower position where it deposits the spout 49 onto a container 35. A pressing means 33 includes a pressing head 118 which moves at the speed of the containers 35 during a pressing operation. A conveyor means 31 moves containers 35 in a path to the placer means 32 and then to the pressing means 33.

The Official Action rejects Claim 1 based on the belief that St. Clair's conveyor means 31 constitute a conveyor for feeding packages along a first path, the pressing head 118 constitutes pressure means, and "where the gripper assemblies [94] deposit the spouts (49) into openings (36) of the containers (35)" constitutes an

application station. However, even accepting these interpretations for discussion purposes, amended Claim 1 is clearly distinguishable.

Specifically, St. Clair does not disclose a conveyor carrying the pressing head 118 along a path interfacing the path of the conveyor means 31 along at least a portion of the path of the conveyor means 31 from where the gripper assemblies 94 deposit the spouts 49 into openings 36 of the containers 35. Indeed, a careful study of St. Clair's Figs. 1 and 22 makes clear that the path of the pressing head 118 is remotely positioned with respect to where the gripper assemblies 94 deposit the spouts 49 into openings 36 of the containers 35.

Accordingly, St. Clair does not disclose a unit for applying opening devices to packages of pourable food products having a rupturable portion including a first conveyor for feeding the packages successively along a first path, a second conveyor carrying gripping means for receiving the opening devices at a pickup station, where the gripping means move cyclically between the pickup station and an application station interfacing with the first path where the opening devices are applied to respective packages, and a third conveyor carrying pressure means along a second path and interfacing with the first path along at least a portion from the application station, in combination with the other features recited in amended Claim 1.

For the above reasons, Claim 1 is allowable over St. Clair, and withdrawal of the rejection of Claim 1 is respectfully requested.

Claim 20 is also rejected as being anticipated by St. Clair.

Amended Claim 20 recites a unit for applying opening devices to packages of pourable food products having a rupturable portion, including a conveyor for feeding

the packages successively along a linear path, a plurality of grippers rotatable about a common axis so that the grippers move along a circular path from a pickup station at which each gripper receives one of the opening devices to an application station interfacing with the linear path and at which the opening device is applied to one of the packages, and a movable pressure member separate from the grippers and movable along at least a portion of the linear path including the application station to press the opening device against the package during the feeding of the package.

Amended Claim 20 is allowable over St. Clair for reasons consistent with the above discussion of Claim 1. Withdrawal of the rejection of Claim 20 is therefore also respectfully requested.

The dependent claims are allowable at least by virtue of their dependence from allowable Claim 1. Thus, a detailed discussion of the additional distinguishing features recited in the dependent claims is not set forth at this time.

Early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful

in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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